

Ex. Ord. No. 12379, Aug. 17, 1982, 47 F.R. 36099.
 Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421.
 Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631.
 Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839.

§ 1014. Requirements relating to National Academy of Sciences and National Academy of Public Administration

(a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after December 17, 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendation, the academy complied with—

(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

(1) PUBLIC NOTICE REGARDING APPOINTEES.—The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on appointments before they are made or, if the Academy determines prior comment is not practicable, in the period immediately following the appointments. The Academy shall require that any individual the Academy appoints (or intends to appoint) to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed. The Academy shall make its best efforts to ensure that—

(A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable;

(B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed; and

(C) the final report of the Academy will be the result of the Academy's independent judgment.

(2) PUBLIC NOTICE OF COMMITTEE MEETINGS.—The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) DATA-GATHERING MEETINGS.—The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of this title. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in section 552(b) of this title.

(4) OTHER MEETINGS.—The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data-gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of this title. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and other matters the Academy determines should be included.

(5) FINAL REPORT.—The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of this title. If the Academy determines that the report would disclose matters described in section 552(b) of this title, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) REVIEWERS OF REPORT.—After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.

(Pub. L. 117-286, §3(a), Dec. 27, 2022, 136 Stat. 4205.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1014	5 U.S.C. App. (FACA §15)	Pub. L. 92-463, §15, as added Pub. L. 105-153, §2(b), Dec. 17, 1997, 111 Stat. 2689.

In subsection (a)(2), the date “December 17, 1997” is substituted for “the date of the enactment of the Federal Advisory Committee Act Amendments of 1997” for clarity.

PART II—CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES

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